

Montana Department of Natural Resources and Conservation
Water Resources Division
Water Rights Bureau

ENVIRONMENTAL ASSESSMENT
For Routine Actions with Limited Environmental Impact

Part I. Proposed Action Description

1. Applicant/Contact name and address:

Meadowlark Capital LLC	Matthew B Gallinger
3150 Lupine Drive	Tolliver Law Firm
Billings MT 59101	PO Box 1913
	Billings MT 59103-1913
2. Type of action: Application to Change a Water Right
3. Water source name: Groundwater
4. Location affected by project: SW Section 19, T1S, R26E, Yellowstone County
5. Narrative summary of the proposed project, purpose, action to be taken, and benefits: The Applicant proposes to add 5 new wells to serve the potable water demands. The Applicant is requesting to add the new wells to comply with the terms and conditions of agreements with the Montana Department of Environmental Quality to supply better quality water to the mobile home court. The new wells have been drilled within the NESW of Section 19, T1S, R26E, and a new water treatment facility has been constructed. The new wells and water treatment facility will provide potable water to the residences and businesses that were historically being supplied from the existing well field. The new wells have been installed approximately 200-feet south of the existing wells, which were immediately adjacent to the historic river channel. The existing wells will continue to supply water for irrigation.
6. The DNRC shall issue a Change Authorization if an applicant proves the criteria in 85-2-402 MCA are met
7. Agencies consulted during preparation of the Environmental Assessment:
(include agencies with overlapping jurisdiction)

Part II. Environmental Review**1. Environmental Impact Checklist:**

PHYSICAL ENVIRONMENT

WATER QUANTITY, QUALITY AND DISTRIBUTION

Water quantity - Assess whether the source of supply is identified as a chronically or periodically dewatered stream by DFWP. Assess whether the proposed use will worsen the already dewatered condition.

Determination: No impact. This is a groundwater application. The wells are within 110' to 300' of the Yellowstone River. This section of the Yellowstone River is not listed as a chronically or periodically dewatered stream.

Water quality - Assess whether the stream is listed as water quality impaired or threatened by DEQ, and whether the proposed project will affect water quality.

Determination: Not Applicable. This is a groundwater application.

Groundwater - Assess if the proposed project impacts ground water quality or supply. If this is a groundwater appropriation, assess if it could impact adjacent surface water flows.

Determination: No impact. This is an application to add points of diversion. A measurement condition is being added to the Change Authorization to ensure all points of diversion will not exceed the historical use.

DIVERSION WORKS - Assess whether the means of diversion, construction and operation of the appropriation works of the proposed project will impact any of the following: channel impacts, flow modifications, barriers, riparian areas, dams, well construction.

Determination: No impact.

UNIQUE, ENDANGERED, FRAGILE OR LIMITED ENVIRONMENTAL RESOURCES

Endangered and threatened species - Assess whether the proposed project will impact any threatened or endangered fish, wildlife, plants or aquatic species or any "species of special concern," or create a barrier to the migration or movement of fish or wildlife. For groundwater, assess whether the proposed project, including impacts on adjacent surface flows, would impact any threatened or endangered species or "species of special concern."

Determination: No impact.

Wetlands - Consult and assess whether the apparent wetland is a functional wetland (according to COE definitions), and whether the wetland resource would be impacted.

Determination: No known wetlands exist in the project area.

Ponds - For ponds, consult and assess whether existing wildlife, waterfowl, or fisheries resources would be impacted.

Determination: Not applicable.

GEOLOGY/SOIL QUALITY, STABILITY AND MOISTURE - Assess whether there will be degradation of soil quality, alteration of soil stability, or moisture content. Assess whether the soils are heavy in salts that could cause saline seep.

Determination: No impact.

VEGETATION COVER, QUANTITY AND QUALITY/NOXIOUS WEEDS - Assess impacts to existing vegetative cover. Assess whether the proposed project would result in the establishment or spread of noxious weeds.

Determination: The new well field is already established and the spread of noxious weeds will not increase. The applicant will be responsible for monitoring and controlling the establishment or spread of noxious weeds.

AIR QUALITY - Assess whether there will be a deterioration of air quality or adverse effects on vegetation due to increased air pollutants.

Determination: No impact.

HISTORICAL AND ARCHEOLOGICAL SITES - Assess whether there will be degradation of unique archeological or historical sites in the vicinity of the proposed project if it is on State or Federal Lands. If it is not on State or Federal Lands simply state NA-project not located on State or Federal Lands.

Determination: Not applicable.

DEMANDS ON ENVIRONMENTAL RESOURCES OF LAND, WATER, AND ENERGY - Assess any other impacts on environmental resources of land, water and energy not already addressed.

Determination: None

HUMAN ENVIRONMENT

LOCALLY ADOPTED ENVIRONMENTAL PLANS AND GOALS - Assess whether the proposed project is inconsistent with any locally adopted environmental plans and goals.

Determination: The project is not inconsistent with local plans and goals.

ACCESS TO AND QUALITY OF RECREATIONAL AND WILDERNESS ACTIVITIES - Assess whether the proposed project will impact access to or the quality of recreational and wilderness activities.

Determination: No impact.

HUMAN HEALTH - Assess whether the proposed project impacts on human health.

Determination: The project will provide much higher water quality to those drinking the water.

PRIVATE PROPERTY - Assess whether there are any government regulatory impacts on private property rights.

Yes___ No X If yes, analyze any alternatives considered that could reduce, minimize, or eliminate the regulation of private property rights.

Determination: No impact

OTHER HUMAN ENVIRONMENTAL ISSUES - For routine actions of limited environmental impact, the following may be addressed in a checklist fashion.

Impacts on:

- (a) Cultural uniqueness and diversity? None
- (b) Local and state tax base and tax revenues? Adding the new wells may increase their property taxes.
- (c) Existing land uses? None
- (d) Quantity and distribution of employment? None
- (e) Distribution and density of population and housing? None – area is at full build-out.
- (f) Demands for government services? None
- (g) Industrial and commercial activity? None
- (h) Utilities? None
- (i) Transportation? None
- (j) Safety? None
- (k) Other appropriate social and economic circumstances? None

2. Secondary and cumulative impacts on the physical environment and human population:

Secondary Impacts None

Cumulative Impacts None

3. Describe any mitigation/stipulation measures: None

4. Description and analysis of reasonable alternatives to the proposed action, including the no action alternative, if an alternative is reasonably available and prudent to consider: A no action alternative would require residents to continue to haul water for

their potable use and would not allow the applicant to meet the purpose of and need for the project.

PART III. Conclusion

1. Preferred Alternative Issue a Change Authorization if the applicant proves the criteria in 85-2-402, MCA are met.

2 Comments and Responses None

3. Finding:

Yes___ No___ Based on the significance criteria evaluated in this EA, is an EIS required?

If an EIS is not required, explain why the EA is the appropriate level of analysis for this proposed action: No impacts have been identified, therefore an EIS is not necessary.

Name of person(s) responsible for preparation of EA:

Name: Kim Overcast

Title: Regional Manager

Date: August 23, 2013